

MINUTES
UTAH
SUBSTANCE ABUSE COUNSELORS
BOARD MEETING

May 2, 2007

Room 475 – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111

CONVENED: 9:14 A.M.

ADJOURNED: 11:45 A.M.

Bureau Manager:
Board Secretary:

Noel Taxin
Karen McCall

Board Members Present:

Shawn M. McMillen, Chairperson
Stephen R. Sheppard, Ph.D.
Linda Cornaby
Patrick J. Fleming
Ronald K. Wilkey
Kelly J. Lundberg, Ph.D.

Board Members Absent:

Joel Millard, DSW

Guests:

Dave Felt

DOPL Staff Present:

F. David Stanley, Division Director

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:
MINUTES:

The minutes from the February 21, 2007 meeting were read.

Dr. Lundberg made a motion to approve the minutes as read. Mr. Wilkey seconded the motion. **The Board vote was unanimous.**

APPOINTMENTS:

10:00 A.M.

Joanie Jones, Probationary Interview

Ms. Jones met for her probationary interview.

Mr. Fleming conducted the interview.

Mr. Fleming asked Ms. Jones how long she has been in recovery.

Ms. Jones responded that it will be 7 years in July 2007 that she has been in recovery.

Mr. Fleming commented that she has talked with the Board in the past regarding her dental appointments, her medications, etc. He asked her how she is doing with those medications.

Ms. Jones responded that her Doctor knows her and knows about addiction. She stated that the Doctor takes time with her and is careful in the medications he gives to her.

Ms. Taxin notified Ms. Jones that the December 2006 drug test was out of range for negative. She explained that the out of range could be due to drinking too much water. Ms. Taxin stated that the Board discussed the out of range test and determined that it is not a concern at this time as it is the only test that has been out of range in the two years that she has been testing.

Mr. Fleming stated that Ms. Jones has requested her drug testing be terminated. He read Ms. Jones letter of request to the Board. Mr. Fleming asked if Ms. Jones had anything she would like to say.

Ms. Jones responded that her therapist, Dr. Coles, has told her that she could see him on an as needed basis now and she would like to spend her money for more time in the marriage counseling. She stated that if she did not have to pay for drug testing she could go to more marriage counseling sessions.

Dr. Lundberg noted that Ms. Jones has been doing the drug tests for 2 years.

Ms. Taxin stated that Ms. Jones therapist has reported that she has remained sober and the supervisor reports have reported the same. She stated that one or both reports would reflect differently if there was any problem.

Mr. Fleming asked Ms. Jones if her work does random testing.

Mr. McMillan responded that the agency does periodical random testing among the security staff and, if there is a cause, other staff has random tests.

Mr. Fleming made a motion to terminate Ms. Jones requirement of drug testing based on her having negative tests for the past 7 years.

Dr. Lundberg seconded the motion.

The Board vote was unanimous.

Dr. Lungberg commented that the Board originally had some issues with Ms. Jones as she was not clear in her comments at her meetings and she is now open and clear in her speaking with the Board.

Ms. Taxin informed Ms. Jones that she will be required to continue to call daily until the paperwork has been completed to discontinue the drug testing. She stated that she and the Board encourage Ms. Jones to continue on her current path and, if she has a need, to use her resources to help her.

An appointment was made for Ms. Jones to meet again August 8, 2007.

9:50 A.M.

Jonathon Scheffres, Supervisor of Melissa Zahn, and Melissa Zahn, Probationary Interview

Mr. Scheffres met with the Board for discussion of supervision of Melissa Zahn. Ms. Zahn had not yet arrived and will join the meeting upon her arrival.

Board members and Division staff were introduced.

Ms. Taxin explained that Mr. Scheffres was requested to meet with the Board as the Board had some concerns regarding his supervision of Melissa Zahn.

Dr. Lundberg asked Mr. Scheffres to explain his understanding of his role as a supervisor for Ms. Zahn.

Mr. Scheffres responded that he is the clinical supervisor at the agency. He explained that he was hired in September 2006 to do therapy at the facility and to supervise those who do not yet have their license and which included Melissa Zahn.

Mr. Scheffres explained that Ms. Zahn is the program director who assists him and assists in running the psychological groups. He stated that Ms. Zahn's boundaries have been appropriate. He stated that Ms. Zahn has to pay attention to details in her position as she has to make sure the clients get their medications as prescribed and are at their appointments on time. He stated it is a difficult group with many disorders and Ms. Zahn handles the load well with her therapy interactions.

Dr. Lundberg asked Mr. Scheffres if he is aware of why Ms. Zahn is on probation.

Mr. Scheffres responded that he is aware but not really clear on all the issues. He stated that he understood that Ms. Zahn was running a sober-living facility and a client became troublesome.

Dr. Lundberg asked Mr. Scheffres if he has read Ms. Zahn's mental health assessment.

Mr. Scheffres responded that he has not read the mental health assessment.

Dr. Lundberg asked if Ms. Zahn gave a copy of it to Mr. Scheffres to read.

Mr. Scheffres responded that Ms. Zahn did not give him a copy of her mental health assessment to read. He stated that Ms. Zahn did read parts of it to him and they discussed those parts.

Dr. Lundberg stated that she was wondering if reading the mental health assessment would change how he supervises Ms. Zahn.

Mr. Scheffres responded that he is not noticing the diagnosed antisocial traits or the manipulative traits

mentioned in the assessment. He stated that Ms. Zahn is above board with him and if she is upset or something is wrong she comes to him right away to discuss the issues. He stated that Ms. Zahn is very good about seeing manipulation in the clients when they try to break or bend the rules and she has him talk to those clients.

Dr. Lundberg stated that Mr. Scheffres supervisor reports started out rating Ms. Zahn very high and now the reports have dropped down to competent. She asked Mr. Scheffres to explain the drop in rating.

Mr. Scheffres responded that their organization is small and has had some boundary issues regarding who is responsible to do what and how communications are happening with the clients. He stated that he believes that he and Ms. Zahn struggle to be clear on their roles at the facility. Mr. Scheffres explained that Ms. Zahn has been out for a month with her surgery but when she returns he wants her to sit down with him, the owners and other staff to clarify the job duties of each employee as confusing messages have come down from the top. He stated that he was not looking at the January and February assessment when he completed the March report and believes the drop in rating is more of systems issue.

Dr. Lundberg asked Mr. Scheffres to discuss how his supervision is addressing the boundary issues Ms. Zahn has had.

Mr. Scheffres responded that he has tried to help Ms. Zahn define her role at the agency as he believes Ms. Zahn has too many jobs with the agency. He stated that he has also worked with her regarding with client interaction, how she deals with her projected identification. Mr. Scheffres explained that he has supervised 4 to 5 years. He stated that he has had to help Substance Abuse Counselors process information received from clients to identify where the clients are coming from mentally and why the clients behave in a particular way as a mental dysfunction. He stated that he has had to work with those he supervises to help them learn not to take comments from clients

personally and to make responses that do not make the clients feel they are being attacked. He stated that he has talked in depth with Ms. Zahn about her dividing her time such as continuing to work at the private facility.

Dr. Lundberg asked Mr. Scheffres how he would conceptualize Ms. Zahn's issues regarding the boundary violation.

Mr. Scheffres responded that he did not know as he does not really know what happened. He stated that Ms. Zahn has informed him that there was no sexual boundary issue and she did not know that the sexual boundary was the reason she was on probation. He stated that Ms. Zahn does take responsibility regarding a breakdown of transition from the facility to her home and will never consider being a halfway house for clients again. He stated that he has discussed the boundary issues with Ms. Taxin.

Ms. Taxin stated that the Board has to go by the information that is in the Stipulation and Order as it states what Ms. Zahn admitted to. She stated that the sexual part is not in the Stipulation and Order. Ms. Taxin explained that Ms. Zahn agreed that there was a dual relationship and that she received a financial benefit from clients as they were paying to live in her home. Ms. Taxin stated that Ms. Zahn no longer has that income.

Mr. Scheffres stated that he understood that Ms. Zahn was running a facility that had a separate living quarters and separate entrance. He stated that Ms. Zahn reported that she was regularly checking with DOPL to be sure she was doing what she should be doing.

Ms. Taxin responded that Ms. Zahn would not have checked with the Division as we license only the individual and not the facility. Ms. Taxin stated that part of the problem was that the client was coming up the stairs into Ms. Zahn's living quarters and interacting with Ms. Zahn, her partner and family. She stated that there was a dual relationship, of which the extent is

questionable, and the client felt harmed. Ms. Taxin stated that there were also some issues regarding the living situation.

Mr. Scheffres stated that he has not seen any of that behavior in the facility and does not think clients have any questions regarding their relationship with Ms. Zahn.

Mr. Wilkey stated that the Department of Human Services would oversee the placement of clients in Ms. Zahn's basement. He stated that there were questions regarding the type of relationship the client had with Ms. Zahn.

Mr. Fleming asked if Ms. Zahn is doing any counseling or assisting in counseling at the facility if she is program manager. He asked what would be therapeutic in her duties.

Mr. Scheffres responded that he runs a program on Tuesdays and Thursdays and Ms. Zahn assists him. He stated that Ms. Zahn runs the psycho-educational groups at the facility.

Dr. Lundberg stated that the Stipulation and Order documents that Ms. Zahn admitted she failed to maintain boundaries had a dual relationship and allowed the client to move into her home for about a 2 week period.

Mr. Scheffres responded that the language in the Stipulation and Order was a little general and Ms. Zahn stated that she had acted as a counselor only.

Dr. Lundberg stated that Ms. Zahn let the client drive her car and she failed to document some important things. Dr. Lundberg stated that the Board has concerns which they have shared with Ms. Zahn. She stated that Ms. Zahn has done little to off set those concerns with the Board.

Ms. Zahn joined the meeting at her previously scheduled time since Mr. Scheffres did not contact her regarding the meeting schedule change time.

Ms. Taxin informed Ms. Zahn that Dr. Lundberg would be conducting the interview today.

Ms. Zahn remarked that her mental health evaluator diagnosed her as having antisocial tendencies. She stated that she asked him how he could make that diagnosis with a single visit.

Ms. Zahn stated that she has decided that it is to her benefit as she will get some counseling and some support to address her issues.

Dr. Lundberg commented that Ms. Zahn is responding to the Board differently today and she asked Ms. Zahn what is the cause for the change.

Ms. Zahn responded that finances are a big issue for her right now and she is changing her attitude on that issue. She stated that she has been living with constant pain and her outlook was affected by the pain. She stated that most of the pain issue has been resolved and her attitude is better. Ms. Zahn stated that she thinks she was always open to the recommendation of going to therapy and now she is going and taking care of herself.

Mr. Scheffres stated that one of Ms. Zahn's boundary issues at the agency has been that she does too many jobs and stretches herself too thin. He stated that issue would also affect her mental health. He stated that they have talked about her scaling back and having the surgery was a big step for Ms. Zahn.

Ms. Taxin reminded Ms. Zahn to notify her of the date that she starts working again and Mr. Scheffres will then start submitting the reports again. She reminded Ms. Zahn that Mr. Ricks will also need to submit reports.

Ms. McCall asked if Ms. Zahn completed the CE and the CE audit.

Ms. Zahn responded that the CE has been completed. She submitted the audit information to the Board.

Ms. Zahn stated that the Board requested information

from her Doctor regarding her medications and any recommendations. Ms. Zahn submitted that information to the Board.

Ms. Zahn stated that there was more damage than the Doctor expected and he will not release her to return to work for 2 or 3 more weeks but if he says 4 or 6 more weeks then she will follow his directions. She stated that her endurance to sit is about 30 minutes.

Dr. Lundberg asked why the Doctor prescribed Diazapan for her.

Ms. Zahn responded that Diazepam is a muscle relaxer. She stated that all her medications are cut in half and there are times that she does not take any medication until she gets spasms and has to take the medication again. She stated that her Doctor explained that if she does not take the medications the spasms will cause bone scar tissue and she does not want that.

An appointment was not made for Ms. Zahn to meet again at this time. When she notifies the Division that she has returned to work an appointment will be made.

Ms. Zahn and Mr. Scheffres left the meeting.

Ms. Taxin stated that when she talked with Mr. Scheffres yesterday regarding a change in the appointment time she asked him to contact Ms. Zahn. Ms. Taxin stated that it was evident that Mr. Scheffres did not reach Ms. Zahn.

Dr. Lundberg stated that she does not believe Mr. Scheffres is alarmed enough regarding Ms. Zahn's issues.

Mr. Wilkey stated that he does not believe Mr. Scheffres has read the Order as he appeared to minimize the issues.

Ms. Taxin reminded the Board that Mr. Scheffres wrote that he has a copy of the Order and will support Ms. Zahn in the process.

Ms. Taxin stated that she talked with the mental health evaluator, Mike Dusoe, but did not suggest any diagnosis. She stated that she did discuss the evaluation and Mr. Dusoe did say that Ms. Zahn needs therapy.

Dr. Lundberg stated that Ms. Zahn is not giving all the information and being up front with the Board. She stated that if Ms. Zahn was a client coming in for therapy the Board would not believe anything she said.

Mr. Fleming commented that he believes money was part of the issue and Ms. Zahn may have gone into Mr. Dusoe with her financial concerns so he charged her less than he normally does for evaluations.

10:45 A.M.

Teresa L. Lloyd, Probationary Interview

Ms. Lloyd met for her probationary interview.

Mr. Fleming disclosed to the Board and Ms. Lloyd that he may have to leave the meeting early.

Mr. Wilkey conducted the interview.

Mr. Wilkey requested Ms. Lloyd to bring the Board up to date regarding her current employer.

Ms. Lloyd responded that she has been offered a position with Lynn Dangerfield when the agency receives State licensure for out-patient substance abuse counseling. She stated that she applied at another facility but was not offered the position due to her probationary situation.

Mr. Fleming recommended Ms. Lloyd give out Ms. Taxin's phone number for a potential employer to contact if this situation arises in the future.

Ms. Lloyd stated that at Mr. Dangerfield's facility she will be gathering information and doing some psycho-educational groups for about 20 hours a week. She stated that she is hoping to do her professional counselor internship at the facility and then work there

when she graduates and is licensed as a professional counselor.

Dr. Lundberg asked Ms. Lloyd to explain the process for her employment with Mr. Dangerfield.

Ms. Lloyd explained that Mr. Dangerfield must have the State license before he can do business as a substance abuse counselors agency. She stated that she is currently working at Red Rock doing psych tech duties.

Ms. Taxin stated that monthly reports will still be required as they have not been submitted regularly for 6 months.

Mr. Wilkey stated that Ms. Lloyd will also need to be sure her current employer submits a report.

Dr. Lundberg responded that the employer at Red Rock should write a letter regarding Ms. Lloyd's job title and job description for the Board to review.

Ms. Lloyd responded that she does not think they will be very co-operative but she will ask them to submit a letter regarding her job title and job description.

Dr. Sheppard stated that the letter should also address if Ms. Lloyd is doing anything regarding substance abuse counseling.

Mr. Wilkey stated that Red Rock is a residential facility that does conduct substance abuse counseling.

Dr. Lundberg recommended Ms. Lloyd draft the letter for her employer to review and sign since Ms. Lloyd felt they would not be very cooperative.

Ms. Lloyd stated that her job at Red Rock does not involve counseling or substance abuse but that she is a gratified baby sitter.

Ms. Taxin asked Ms. Lloyd to notify her when she starts working with Mr. Dangerfield.

An appointment was made for Ms. Lloyd to meet again August 8, 2007.

11:00 A.M.

Scott A. Young, Probationary Interview

Mr. Young met for his probationary interview.

Mr. McMillen conducted the interview.

Mr. Young stated that he brought his reports and the support group information to submit to the Board. He stated that he thought he would like to request early termination from probation as he has been in the field for 4 years and on probation for almost 4 months and now holds himself and his colleagues' to a higher standard.

Mr. McMillen responded that Mr. Young's probation is only for a 1 year period as opposed to most individuals being on probation for 3 to 5 years. He stated that the Board would not support his request at this time as there needs to be a period of monitoring.

Dr. Lundberg responded that 5 months of probation is not a long enough time of monitoring.

Ms. Taxin responded that, considering Mr. Young's history of numerous incidents, it is premature to consider termination of probation at this time but he may always ask. She stated that if he had had a one time incident the Board might consider his request.

Dr. Lundberg stated that Mr. Young's reports document that he is a role model. She asked what he would like to see or what would he expect if he was a Board member.

Mr. Young responded that he respects the Board and what they do. He stated that Ms. Taxin and the Board have made it clear that his request for early termination is not appropriate at this time.

Mr. McMillen stated that the probation time has already deviated from the usual time of 3 to 5 years

and in the drug testing.

Mr. Young responded that he wanted to advocate for himself and find out what the process would be.

Ms. Taxin explained that the Order required drug testing through the Division for the first 6 months and if all tests were negative the testing would be discussed for appropriateness. She asked the Board if they want to terminate the Division drug testing.

Dr. Lundberg asked Mr. Young how long he has been in recovery.

Mr. Young responded that it has been 7 years.

Dr. Lundberg asked the Board if they would consider terminating all drug testing in June 2007 if all tests continue to be negative by June 2007 based on 7 years abstinence and having 18 months documented.

Mr. Wilkey made a motion to discontinue all drug testing June 1, 2007 if the Division tests are still negative.

Dr. Sheppard seconded the motion.

The Board vote was unanimous.

Ms. Taxin explained the process and that Mr. Young will still be required to call in daily until he receives the amended Order which will take some time to complete the paperwork.

An appointment was made for Mr. Young to meet again August 8, 2007.

DISCUSSION ITEMS:

Legislative Update

Mr. Felt joined the Board for discussion.

Ms. Taxin explained that she would like to schedule a meeting for the Board to discuss and review the Rules only. She stated that she would try to go

through the new Law and try to draft some Rules. Ms. Taxin summarized the changes in the Substance Abuse Counselors Law and explained that the Division is receiving questions from potential applicants regarding the new Law. She stated that she has tried to come up with some ways to clarify the new Law in the Rules and some formatting ideas. Ms. Taxin recommended the Board review the Rules and identify where changes need to be made. She stated that the current Rule references are all off due to the new Law and will need to be renumbered.

Ms. Taxin identified General Supervision needing to be clarified by Rule.

Mr. Felt explained that when they wrote the Law they decided it was too complicated and decided to put in “as defined by Rule” for the Board to assist with the definition.

Ms. Taxin stated that other areas she has identified that will require clarification are:

- 1. The Substance Abuse Education Program,**
- 2. Licensed Substance Abuse Counselor,**
- 3. Certified Substance Abuse Counselor Intern (those who have not passed the examination and will have 6 months to take the exam and pass),**
- 4. Certified Substance Abuse Counselor Extern (those who need the education).**

Ms. Taxin stated that there are so many different options for licensure that the Board needs to clarify by category by having the education category in one section, etc.

She stated that if there are areas currently in the Rules that the Board determines changes are required or that sections need to remain she will need to know what those are in order to amend accurately.

Ms. Taxin requested Board members to review the current Law and Rules and to submit the ideas for clarification to her for review and to put into a

draft. She stated that there has been so much confusion that she wants the Rules to be clear for applicants and the Division staff to understand.

Mr. Felt reminded the Board that the new Law technically does not go into effect until July 1, 2007.

Ms. Taxin agreed but stated that her staff and potential applicants want to have the information so she and the Board need to start working on the Rules.

Ms. Taxin recommended the Board review the enrolled copy of the Law as the changes are underlined. She stated that Mr. Felt has offered to assist her in writing the Rules but she will need the feedback from the Board as soon as possible or meet as a Board to draft the Rules together.

Dr. Lundberg recommended a date be set to review draft the Rules as a Board.

Mr. Felt stated that there are some definitions that he is not sure why there are in the Rules and other areas that need to be defined.

Ms. Taxin asked the Board to flag areas that they find that do not need to be in the Rules and she will delete them. She asked the Board to submit any comments to her by May 29, 2007 by fax or e-mail. She requested the Board to at least acknowledge that they have read the Rules and have no comments or provide the suggestions.

Ms. Taxin stated that the area of continuing education (CE) is another area that should be addressed in Rules. She asked the Board to consider who the CE is for, is it for the LSAC only or should it include the CSAC. She stated that she would think that it should be for the LSAC and CSAC only and the Intern and Extern should not be required to complete CE. Ms. Taxin stated that the Law refers to Substance Abuse Counselors, therefore, clarification is necessary.

Mr. Felt explained that since the CSAC is for a 4 year

period he believes they should be required to complete CE. He stated that he is of the opinion that the Intern and Extern should not be required to complete CE.

Ms. Taxin stated that she agreed with Mr. Felt. She stated that in Social Work the LCSW is required to complete CE but the CSW is not and in Marriage and Family Therapy and Professional Counselors the MFT and MFT Intern and PC and CPCI are all required to complete CE. Ms. Taxin stated that the Psychologist and Psychology Resident are also required to complete CE.

Ms. Taxin asked if a CSAC can be a CSAC forever.

Mr. Felt responded that the CSAC is for a 2 year period only if the applicant has the University education. He stated that if they do not have the University education the license is issued for 4 years only.

Ms. Taxin stated that she will have to check into the Division renewal system as there would be no renewal for an Intern or Extern licensee.

Ms. Taxin stated that the Board will have to review the scope of practice to be sure the language pertains to the right level of license.

A meeting was scheduled for June 13, 2007 from 8:30 to 12:00 to continue discussion and drafting Rules only.

Ms. Taxin reminded the Board that the next Board meeting for Board business will be August 8, 2007.

Based on the Board meeting June 13, 2007, the Board requested the August 8, 2007 Board meeting be cancelled and meet again November 7, 2007.

Silver Lining Licensure Requirements

Discussion regarding this item was deleted from the agenda.

NEXT MEETING SCHEDULED FOR:

June 13, 2007 for Rules discussion and drafting only.

November 7, 2007 for the next Board meeting.

ADJOURN:

The time is 11:45 am and this meeting is adjourned.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

July 25, 2007
Date Approved

Shawn M. McMillen
Chairperson, Substance Abuse Counselors Board

July 2, 2007
Date Approved

Noel Taxin
Bureau Manager, Division of Occupational &
Professional Licensing